

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1047 - HB 1279

April 3, 2014

SUMMARY OF ORIGINAL BILL: Creates the Tennessee Behavior and Analyst Licensing Board (BALB). Requires the Board to regulate the work and certify individuals who may seek to be either a licensed behavior analyst (LBA) or licensed assistant behavior analyst (LABA). Requires the licensure fee of LBA and LABA licenses to be no less than \$300 and \$150, respectively. Such licenses will be valid for two years, after which, a renewal of licensure is required to maintain such licensure. The five BALB members will not be compensated, but will be reimbursed for travel, lodging, meals, and other necessary expenses. Requires the Department of Health and the Department's Division of Health Related Boards to provide administrative support to the Board. Requires the Commissioner of Health to appoint a secretary, who will assist the Board with investigations into unprofessional conduct of licensees. Creates a Class B misdemeanor offense, punishable by fine and possible loss of licensure, for anyone who either uses the titles LBA or LABA without holding a Board-issued license or practices applied behavior analysis without holding such appropriate licensure.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Revenue - \$101,900/FY13-14 and Biennially Thereafter/BALB
\$1,500/FY14-15 and Biennially Thereafter/BALB

Increase State Expenditures - \$72,000/FY13-14/BALB
\$60,900/FY14-15 and Subsequent Years/BALB

IMPACT TO COMMERCE OF ORIGINAL BILL:

SUMMARY OF AMENDMENT (015603): Creates the Applied Behavior Analyst Licensing Committee (ABALC). The ABALC shall be administratively attached to the Board of Examiners of Psychology. Requires the Committee to regulate the work and certify individuals who may seek to be either a licensed behavior analyst (LBA) or licensed assistant behavior analyst (LABA). Requires licensure fees to produce sufficient revenue to cover the cost of administering this act. Such licenses will be valid for two years, after which, a renewal of licensure is required to maintain such licensure. The five ABALC members will not be compensated, but will be reimbursed for travel, lodging, meals, and other necessary expenses. Requires the Department of Health and the Department's Division of Health Related Boards to provide administrative support to the Committee. Requires the Commissioner of Health to appoint a secretary, who will assist the Board with investigations into unprofessional conduct of

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licensees. Creates a Class B misdemeanor offense, punishable by fine and possible loss of licensure, for anyone who either uses the titles LBA or LABA without holding a Committee-issued license or practices applied behavior analysis without holding such appropriate licensure. Increases the number of members, from nine to ten, on the Board of Examiners of Psychology.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

**Increase State Revenue - \$135,800/FY14-15 and Biennially Thereafter/ABALC
\$2,000/FY15-16 and Biennially Thereafter/ABALC**

**Increase State Expenditures - \$72,700/FY14-15/ABALC
\$61,600/FY15-16 and Subsequent Years/ABALC**

Other Fiscal Impact - The Applied Behavior Analyst Licensing Committee (ABALC) will charge applicants for LBA or LABA certification such that renewal and initial fee amounts as will cover the cost of administering the ABALC. Any excess or deficit in a fiscal year will result in an increase or decrease in fee amounts for the subsequent year.

Assumptions for the bill as amended:

- There will be five Committee members.
- It is estimated that there will be a Committee meeting held quarterly or four meetings annually.
- Meetings of the Committee will be held in Nashville and any necessary hearings on violations will be conducted during such regularly-scheduled meetings.
- Members will be reimbursed for travel expenses in accordance with the comprehensive travel regulations determined by the Department of Finance and Administration. Members will be reimbursed \$0.47 a mile; however it is unknown how far away such members must travel. On average, such travel costs are estimated to be \$124, round-trip.
- Members will receive a per diem of \$190 (travel: \$124 + meals/incidentals: \$66), resulting in annual expenditures for holding meetings of \$3,800 (\$190 x 5 members x 4 meetings).
- The Committee will hire one regulatory board administrative assistant. This position will result in recurring expenditures of \$57,055 (\$32,910 salary + \$4,946 benefits + \$5,999 insurance + \$7,900 administrative cost allocation + \$2,000 phone and network costs + \$2,700 office lease + \$600 supplies).
- Total one-time costs for this position are estimated to be \$6,100 (\$1,600 computers and set-up + \$4,000 landscaping + \$500 printing). There will also be one-time costs of \$5,000 for rule-making hearings. The total increase in one-time costs will be \$11,100.
- There will be one additional Board member on the Board of Examiners of Psychology. This will result in additional Board expenditures of \$190 per meeting (travel: \$124 + meals/incidentals: \$66), resulting in an increase in annual expenditures for holding meetings of \$760 (\$190 x 1 member x 4 meetings).

- Total expenditures are estimated to be \$72,715 (\$3,800 + \$57,055 + \$11,100 + 760) in FY14-15 and \$61,615 (\$3,800 + \$57,055 + \$760) in FY15-16 and subsequent years.
- According to the Division of Health Related Boards, the LBA license will cost \$400 and the LABA license will cost at minimum \$200. The cost of licenses will fluctuate depending on the expenses incurred by the ABALC in administration and regulation of licensees.
- According to the Tennessee Association for Behavior Analysis (TABA), it has 258 current members who will become licensed as LBAs.
- The Department of Developmental and Intellectual Disabilities (DIDD) has approximately 56 individuals who will become LBAs.
- TABA estimates that there will be an additional 25 individuals who do not work for DIDD, and are not members of TABA.
- In total, it is estimated that there will 339 (258 + 56 + 25) individuals who become licensed as LBAs in FY14-15, and 5 more additional LBAs licensed each year thereafter.
- TABA estimates that there will be one person who is licensed as an LABA in FY14-15.
- In FY14-15, and recurring biennially, there will be licensure fee revenue resulting in an increase in state revenue exceeding \$135,800 [(339 x \$400) + (1 x \$200)].
- In FY15-16, and recurring biennially, there will be licensure fee revenue resulting in an increase in state revenue exceeding \$2,000 (5 x \$400).
- Pursuant to Tenn. Code Ann. § 4-29-121, all health related boards are required to be self-supporting over a two-year period. The Board of Examiner of Psychology had closing balances of \$99,490 in FY11-12, \$174,215 in FY12-13, and a closing reserve balance of \$686,423 on June 30, 2013.
- There will not be a sufficient number of prosecutions for state or local government to experience any significant increase in revenue or expenditures.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

/jdb